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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,209	09/09/2003	Toshiyuki Noguchi	00862.023227.	9145
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EXAMINER				
PATEL, MANGLESH M				
ART UNIT		PAPER NUMBER		
2178				
MAIL DATE		DELIVERY MODE		
12/29/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/657,209

Applicant(s)

NOGUCHI, TOSHIYUKI

Examiner

MANGLESH M. PATEL

Art Unit

2178

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/29/2008 (RCE).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16, 20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16, 20 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This **Non-Final** action is responsive to the RCE filed on 10/29/2008.
2. In the continuation claims 16 and 20-21 are pending. Claims 16, 20 and 21 are the independent claims.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 16 and 20-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Ohta (U.S. 6, 980, 319, filed on Mar 2, 2001).

Regarding Independent claims 16, 20 and 21, Ohta discloses a communication apparatus, that communicates with an information providing apparatus via a network and directly connects to a plurality of printers comprising (see fig 3-4 & column 2, lines 15-67, wherein a communication apparatus such as a portable digital device communicates with the print server via a network and **directly connects to a print station based on the signal or physical connection (see column 11, lines 1-10). In column 5, lines 50-59, he discloses sending a wireless signal and connecting to only the print station 12C thereby suggesting communication with just a single printer**): a download unit configured to download image data from said information providing apparatus (see column 5, lines 15-20 which states "In response to the print command, the generated document is initially transferred to the print server...", thereby being stored on information providing apparatus and then being sent to the print stations (see column 4, lines 60-67). a storage unit configured to store a printer driver program which corresponds to the connected printer (column 7, lines 40-50, which describes that the disk unit stores printer device drivers); a reception unit configured to receive, from said information providing apparatus, a recommended printing condition list which includes at least one of a model of printer, paper size, a type of paper and a layout as a printing condition of printing the downloaded image data (column 22, lines 25-67, wherein a reception unit of a mobile device is configured to receive from the internet via a web server a set of printing characteristics that includes paper size). an acquisition unit configured to acquire available printing condition information concerning the connected printer from the printer driver program stored in said storage unit (see column 18, lines 35-45 & column 22, lines 25-67, wherein in either scenario the print server or the mobile device acquires the

available printer characteristics concerning the connected print stations which includes the print drivers described in column 2, lines 15-67); a **creation** unit configured to **create** a printing condition selection list **by using** the recommended printing condition list received by said reception unit **and the available printing** condition information acquired by said acquisition unit (column 18, lines 35-45 & column 22, lines 25-67, **wherein the list is created by obtaining the print characteristics from several print stations to the print server, because the print server determines the best/ recommended printing condition from among the available printing conditions, see column 11, lines 50-67 & column 12, lines 1-45**); **a display control unit configured to display the created printing condition selection list on a screen** (abstract, **wherein the printer characteristics are sent to the portable device for display**). A condition selection unit configured to select a printing condition from the printing condition selection list **displayed by said display control** unit (column 18, lines 35-45 & column 22, lines 25-67, wherein the selection is determined by either the print server or the mobile device); and a generation unit configured to generate print data from the image data downloaded by said download unit, on the basis of the printing condition selected by said condition selection unit, by using the printer driver program in said storage unit (column 18, lines 35-45, wherein the print server including the downloaded document data generates print data as a print job based on the print characteristics of the devices using the drivers described in column 2, lines 15-67).

*It is noted that any citation **[[s]]** to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. **[[See, MPEP 2123]]***

Response to Arguments

5. Applicant's arguments filed 10/29/2008 have been fully considered but are not persuasive.

Applicant argues: Thus, the cited portion of Ohta fails to teach the claimed process of receiving the recommended printing condition list from the server, and also fails to teach the claimed acquiring step of acquiring available print condition information for directly connected printer from an internally stored printer driver program corresponding to the connected printer. Moreover, Ohta fails to created the selection list as claimed and fails to display the created selection list as claimed. (pg 10, paragraph 1)

The Examiner Respectfully disagrees: The list is created by obtaining the print characteristics from several print stations to the print server, because the print server determines the best/ recommended printing condition from among the available printing conditions received from the print stations, which is then sent to the device, see column 11, lines 50-67 & column 12, lines 1-45. Furthermore the print stations include a driver program which is acquired by the server as available print condition information. Finally the recommended printer characteristics list is sent to the device for display (see abstract).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manglesh M. Patel whose telephone number is (571) 272-5937. The examiner can normally be reached on M,F 8:30-6:00 T,TH 8:30-3:00 Wed 8:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached on (571)272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Manglesh M. Patel
Patent Examiner (AU 2178)
December 17, 2008

/Manglesh M Patel/
Manglesh Patel
Examiner, Art Unit 2178

/CESAR B PAULA/

Primary Examiner, Art Unit 2178

